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August 9, 2013

BY E-FILING

The Honorable Richard G. Andrews
J. Caleb Boggs Federal Building
844 N. King Street
Unit 9, Room 2325
Wilmington, DE 19801-3555

Re: *IpLearn LLC v. Kenexa Corp., et al.*, C.A. No. 11-825 (RGA);
IpLearn LLC v. Blackboard Inc., C.A. No. 11-876 (RGA); and
IpLearn LLC v. K12, Inc., C.A. No. 11-1026 (RGA)

Dear Judge Andrews:

The Court has scheduled a claim construction hearing for September 30, 2013, at 9:00 a.m. Pursuant to the Scheduling Order (C.A. No. 11-825, D.I. 181 at 6; *see also* C.A. No. 11-876, D.I. 18; C.A. No. 11-1026, D.I. 25) and the parties' Joint Status Report of August 2, 2013 (D.I. 351 at 6 n.1; *see also* C.A. No. 11-876, D.I. 86; C.A. No. 11-1026, D.I. 81), the parties submit this joint letter addressing the defendants' request to extend the claim construction hearing by one hour.

Plaintiff's Position

Rather than repeat and inundate the Court with additional arguments, Plaintiff IpLearn, LLC's proposal on how to conduct the Markman Hearing is stated in the Joint Status Report In Response to the Court's Oral Order of July 18, 2013 (D.I. 351).

Defendants' Position

Defendants Blackboard Inc., K12, Inc., Oracle Corporation, and Ultimate Software Group Inc. (collectively, "Defendants") respectfully request that the Court extend the time for the claim construction hearing from three to four hours.

In these three cases, Plaintiff IpLearn LLC ("IpLearn") originally had asserted twelve patents and hundreds of claims against over a dozen distinct products developed, manufactured,

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and sold by four unrelated companies. The parties have been able to reduce the number of asserted claims and disputed claim terms in preparation for claim construction and trial – as shown in the Joint Status Report (C.A. No. 11-825, D.I. 351 at 4–5; *see also* C.A. No. 11-876, D.I. 86; C.A. No. 11-1026, D.I. 81) – but IpLearn is still asserting 12 patents (including 9 patents against both Oracle and Blackboard, only 6 of which overlap) and 42 claims. There remain approximately 35 disputed terms across the three cases. Defendants submit that unless IpLearn agrees to further reduce the number of asserted patents and claims to a number that can realistically be presented at trial, it will be impractical in three hours to address the number of claim terms in dispute necessarily arising from the large number of patents and claims asserted by IpLearn.

Respectfully,

/s/ Mary B. Graham

Mary B. Graham (#2256)

MBG/dam

cc: All Counsel of Record (*by CM/ECF*)

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